

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEVIN JOSEPH SMITH,

Petitioner,
v.

SCOTT FRAKES,

Respondent.

Case No. C10-5921RJB/JRC

**ORDER GRANTING BOTH
RESPONDENT'S MOTIONS AND
DIRECTING PETITIONER TO
FILE AN AMENDED PETITION**

The petitioner in this action is seeking habeas corpus relief from two state convictions (ECF No. 5). This case has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b) (1) (A) and (B) and Local Magistrate Judge's Rules MJR 3 and MJR 4.

Respondent filed a motion to extend the time for filing an answer and then he filed a motion asking for a more definite statement (ECF No. 12 and 13). Petitioner objects and argues that respondent is stalling (ECF No. 14). Respondent replied (ECF No. 15).

Petitioner has a duty to tell the court and respondent the exact nature of the alleged constitutional violations that he claims entitles him to habeas corpus relief. He also has a duty to cite specifically to the documents he claims supports his position. In several places, petitioner

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1 simply states "See Attached."(ECF No. 5). Attached are 122 pages of material. It is impossible
2 to determine which specific document petitioner relies on to support his claim. Neither the court
3 nor the respondent should have to guess which document petitioner claims supports a claim or
4 what claim he is trying to raise.

5 Respondent's motions are GRANTED. Petitioner may file an amended petition on or
6 before June 10, 2011. The petitioner is directed to use the form provided by the court for filing
7 the amended petition.

9 The Clerk is directed to mail a copy of this Order to petitioner, remove ECF No. 12 and
10 13 from the calendar, and send petitioner a blank habeas corpus form.

11 Dated this 18th day of April 2011.

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15 J. Richard Creatura
United States Magistrate Judge